

Section II. (REMARKS)**Election/Restriction**

Applicants acknowledge the Examiner's indication that Group A should have claims 1-2, 4-7, 10, 14-21 and 53-57.

Applicants still question why claims 58 and 59 are not included in Group A as both directly depend from elected claim 1. Importantly, referring to the Office Action Summary sheet (PTOL-326), claims 58 and 59 are listed as pending in the application however, there is no indication as to whether they are rejected, objected to, subject to restriction and/or withdrawn from consideration. Applicants request clarification.

In addition, in the Office Action Summary sheet (PTOL-326), the Examiner indicated that claim 57 was objected to however, at paragraph VIII on page 6 of the April 13, 2006 Office Action, the Examiner indicated that claim 58 was objected to, not claim 57. Applicants request clarification of these inconsistencies.

It is noted that the Examiner indicated that applicants admitted that the oxidant is now in independent non-elected Group B. Importantly, what applicants admitted is that the composition including an active cleaning composition (ACC), wherein the ACC consists of a strong base in combination with an oxidant, is now non-elected subject matter. The presence of an oxidant in the non-elected subject matter should have no impact on the patentability of the elected claims including oxidants if the elected claims still correspond to a composition including an ACC, wherein the ACC consists of a quaternary base in combination with at least one of alkali and alkaline earth base. In other words, if the genus claim (i.e., claim 1) is found allowable, all species including the limitations of the genus claim should also be found allowable (i.e., Formulations A-C²).

Further, applicants request rejoinder of method claims 24-31, 33-36, and 39, 43-50 upon allowance of the composition claims 1, 2, 4-6, 10, 14-21 and 53-59.¹ Importantly, the process claims were previously amended to include the limitations of the composition claims.

¹ Rejoinder was previously requested in the response to the April 18, 2005 Office Action, filed April 27, 2005.

Allowable Subject Matter

In the April 13, 2006 Office Action, the Examiner objected to part A² of claim 7 and claim 57³ as being dependent upon a rejected base claim and indicated that they would be found allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants acknowledge same.

Rejection of Claims and Traversal Thereof

In the April 13, 2006 Office Action:

claims 1-2, 4-6, 10, 17, 19-21, 53 and 56 were provisionally rejected under 35 U.S.C. 102(e) as being anticipated by Yokoi et al. (Provisional Patent Application No. 60/479,146 filed on 18 June 2003 in Japanese and according to the Examiner is “about equivalent” to U.S. Patent Application Publication No. 20040259761); and

claims 1-2, 4-6, 10, 14-18, 19-21, and 53-56 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoi et al. in view of Skee (U.S. Patent No. 6,599,370) and Moore (U.S. Patent No. 6,551,973).

These rejections are traversed on the basis of the Declaration under 37 CFR §1.131 of applicants, attesting to facts showing conception and reduction of practice of the claimed invention prior to Yokoi’s earliest claimed priority date.

As set out in the applicants Declaration, the filing date of the Yokoi Provisional Application (60/479,146) is June 18, 2003. The applicants Declaration attests to the fact showing conception and reduction to practice of the presently claimed invention prior to such earliest claimed June 18, 2003 date of Yokoi.

² according to the Examiner, part A corresponds to the elected Formula G subspecies.

³ as previously introduced, it is unclear whether claim 57 or claim 58 was objected to.

The applicants Declaration thereby removes Yokoi as competent prior art.

With the removal of Yokoi, the various rejections depend solely on secondary references that fail to motivate, teach or suggest applicants' claimed invention. The secondary references have been cited only for their disclosures of isolated specific limitations which the Examiner has proposed to modify the composition of Yokoi. Without the primary reference, the remaining secondary references fail to provide any basis for the rejection of the claims under §103(a).

It therefore is respectfully requested that the Examiner withdraw the rejections of claims 1-2, 4-6, 10, 17, 19-21, 53 and 56 under 35 U.S.C. 102(e) and claims 1-2, 4-6, 10, 14-18, 19-21, and 53-56 under 35 U.S.C. 103(a).

Petition for Extension of Time/Fees Payable

Applicants hereby petition for a two (2) month extension of time, extending the deadline for responding to the April 13, 2006 Office Action from July 13, 2006 to September 13, 2006. The fee of \$450.00 specified in 37 CFR §1.17(a)(2) for such two (2) month extension is hereby enclosed.

The total fee of \$450.00 is being paid by Electronic Funds Transfer. Authorization is hereby given to charge any deficiency in applicable fees for this response to Deposit Account No. 13-4365 of Moore & Van Allen PLLC.

Conclusion

If any additional issues remain, the Examiner is requested to contact the undersigned attorney at (919) 286-8090 to discuss same. Authorization is hereby given to charge any deficiency in applicable fees for this response to Deposit Account Number 13-4365 of Moore & Van Allen PLLC.

Respectfully submitted,

MOORE & VAN ALLEN PLLC

Date: August 17, 2006

By: 

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APPENDIX A

1. THAT we are co-inventors of the subject matter disclosed and elected in United States Patent Application No. 10/792,038 filed March 3, 2004 in the names of Melissa K. Rath, David D. Bernhard, David W. Minsek, Michael B. Korzenski, and Thomas H. Baum and entitled, **"COMPOSITION AND PROCESS FOR POST-ETCH REMOVAL OF PHOTORESIST AND/OR SACRIFICIAL ANTI-REFLECTIVE MATERIAL DEPOSITED ON A SUBSTRATE,"** hereafter referred to as the "Application."
2. THAT the Application relates to compositions and processes for removing photoresist and/or sacrificial anti-reflective coating (SARC) from a substrate having said materials thereon. The elected claims specifically relate to the following composition:

1. A cleaning composition including an active cleaning combination (ACC), wherein said ACC consists of a quaternary base in combination with at least one of alkali and alkaline earth base and said cleaning composition is useful for removing photoresist and/or sacrificial anti-reflective coating (SARC) materials from a substrate having such material(s) thereon.
3. THAT we are aware that the Application has been examined by the United States Patent and Trademark Office and the claims of the Application have been rejected on various grounds including the disclosure of:
 - Yokoi, et al. (U.S. Patent Application Publication No. 2004/0259761) (hereinafter "the Yokoi reference") filed on June 10, 2004, based on U.S. Provisional Application No. 60/479,146, filed June 18, 2003, the content of which is unknown because it was filed in Japanese (hereinafter "the Yokoi Provisional Application").
3. THAT Exhibit A attached herewith includes true and exact copies of pages of David D. Bernhard's and Melissa K. Rath's¹ laboratory notebooks, and that all concepts, experiments and acts disclosed on the laboratory notebook pages were conducted in the United States before the filing date of the Yokoi Provisional Application cited hereinabove.
4. THAT all the dates have been blacked out on the attached laboratory notebook pages but all dates are prior to the date of June 18, 2003, which is the filing date of the Yokoi Provisional Application;² that information on the laboratory notebook pages that may not be in the public domain has been redacted; and that every one of the attached laboratory notebook pages (Appendix A) discloses a composition including an active cleaning composition (ACC), wherein said ACC consists of a quaternary base in combination with at least one of alkali and alkaline earth base. Thus, the combination of disclosures described herein, provides ample support for the presently claimed invention.
5. THAT we offer Exhibit A with this Declaration as evidence of the completion and possession of the cleaning compositions disclosed and claimed in the Application prior to the June 18, 2003 date of the Yokoi Provisional Application reference.

¹ Melissa K. Murphy has reassumed her maiden name "Rath"

² assuming that the Yokoi Provisional Application enables the Yokoi reference.

As a below-named declarant, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements, and the like, so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Melissa K. Rath

MELISSA K. RATH

Date

8/14/06

DAVID D. BERNHARD

Date

David Minsek

DAVID W. MINSEK

Date

8/14/06

Michael B. Korzenski

MICHAEL B. KORZENSKI

Date

8/14/06

Thomas H. Baum

THOMAS H. BAUM

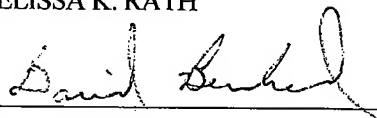
Date

8-14-06

As a below-named declarant, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements, and the like, so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

MELISSA K. RATH

Date _____



DAVID D. BERNHARD

Date 8/15/06

DAVID W. MINSEK

Date _____

MICHAEL B. KORZENSKI

Date _____

THOMAS H. BAUM

Date _____

AUG. 15. 2006 11:53AM

ATMI (203) 830-2123

NO. 4519 P. 5

EXHIBIT A

Project No. _____

Book No. _____

TITLE _____

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30K₂

BTMAH

KCH

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BC

SULFONATE

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Issued & Understood by me,

Date

Invented by

Date

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Book No. 5

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① STIMAN ☐ (✓)
KAT ☐ (✓)
W. M. M. ☐ (✓)
2-MBT
Hys



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Witnessed & Understood by me.

Abigail Abing

Date

[Redacted]

Invented by

Antonia K. Murphy

Recorded by

Date

[Redacted]

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BTMAH ☒

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BTMAH ☒

KOH ☒

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3 ~~_____~~ - NH₄NO w/ ☒ APM

BTMAH ☒

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Invented by

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